

STATEMENT REGARDING SECTION 22a-6(h) OF THE CONNECTICUT GENERAL  
STATUTES WITH REGARD TO PROPOSED AMENDMENTS TO REGULATIONS  
CONCERNING UNDERGROUND STORAGE TANKS

This document has been prepared pursuant to section 22a-6(h) of the Connecticut General Statutes. Section 22a-6(h) provides that the Commissioner may adopt regulations pertaining to activities for which the federal government has adopted standards or procedures. Should the Commissioner adopt such regulations, the provisions of any such regulations which differ from federal standards or procedures must be identified and an explanation of such differences made available at the time of the public notice for such regulations.

The Department of Environmental Protection (“the Department”) intends to amend the existing regulations to carry out the provisions of section 22a-449(d) of the Connecticut General Statutes and the federal Energy Policy Act of 2005 (EPAAct) regarding underground storage tanks (USTs). The Department currently receives federal funding from the U.S. EPA in order to conduct activities regulating USTs, however, the EPAAct requires that states receiving such funding include certain provisions in their requirements in order to continue to be eligible for such funding. Those provisions include Secondary Containment and Operator Training.

There are existing federal regulations concerning USTs in general and the state has already adopted standards which are equivalent to or in some respects more stringent than these existing standards. These existing regulations, either state or federal, do not include Secondary Containment in the form of containment sumps or Operator Training provisions. Rather, through the EPAAct, the federal government implements those requirements by mandating that in order for states to be eligible for certain federal funds in support of UST programs, the states must adopt these requirements.

The U.S. EPA has indicated that the proposed amendments would bring Connecticut into compliance with the EPAct requirements. Therefore, while neither the state nor federal regulations currently have requirements such as those being proposed, the federal EPAct does require those standards to be implemented by the states and the proposed amendments would be consistent with those standards.